

GERALD D. WELLIVER,)	AGBCA No. 2000-153-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Gerald D. Welliver)	
640 Camas Creek Loop)	
Hamilton, Montana 59840)	
)	
Representing the Government:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

June 14, 2001

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal arises out of Emergency Equipment Rental Agreement No. 56-0351-8-51 between the U. S. Department of Agriculture, Forest Service, Bitterroot National Forest, Montana (Respondent or FS), and Gerald D. Welliver of Hamilton, Montana (Appellant or Welliver). Work under the contract consisted of the lease of a van, a pickup truck, a trailer, and two mobile offices. On May 24, 2000, the Board received from Appellant a timely appeal from a final decision of the Contracting Officer (CO) denying Appellant's claim in the amount of \$1,332.13 for damage to a Lanier 6514 copier. This appeal was docketed as AGBCA No. 2000-153-1.

The Board has jurisdiction of this appeal under the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended.

Appellant filed a Complaint received at the Board July 3, 2000. Respondent sought an extension of time in which to file the Answer and Appeal File due to absence of field personnel during the fire season. The Answer and Appeal File were received October 17, 2000. The parties were then afforded 60 days in which to advise the Board of their preference for further proceedings. Appellant

asked for and was granted an extension of time in which to respond.

On March 15, 2001, the Board held a telephonic conference with the parties to discuss further proceedings. The parties agreed to discuss settlement. Thereafter, on March 23, 2001, the Board was notified telephonically that the parties had agreed to a settlement. The Board has now received a Stipulation for Settlement signed by both parties.

DECISION

The parties having settled the appeal, the Board hereby dismisses it with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D.C.
June 14, 2001